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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/806,343	03/29/2001	Bruno Duchenne	L7307.01106	8527

7590 11/19/2003  
Stevens Davis Miller & Mosher  
1615 L Street NW Suite 850  
Washington, DC 20036

EXAMINER

NGUYEN, TU T

ART UNIT	PAPER NUMBER
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2877

DATE MAILED: 11/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/806,343

Applicant(s)

DUCHENNE ET AL.

Examiner

Tu T. Nguyen

Art Unit

2877

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 2-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s): \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

Detailed Office Action

***Response to Arguments***

Applicant's attention is directed to the allowableness of claims 2-11 as indicated in the previous office action (mail on 07/15/2003). After further review of the claims, It appears that the claims are read on the newly found reference. Therefore, allowableness of the claims 2-11 is hereby withdrawn. Examiner regret any inconvenient it may cause.

***Object to Specification***

Page 7, line 36, "Figures 2 to 4" should be changed to "Figures 2,3,4"

***Object to claims***

1) Claim 8, lines 5-6, "an electromagnetic pulse" should be changed to "the electromagnetic pulse".

2) Claim 8, line 7, "a fiber-optic component" should be changed to 'the fiber-optic component'.

3) Claim 8, lines 18-19, "an electromagnetic pulse" should be changed "the electromagnetic pulse"

4) Claim 10, line 5, "an electromagnetic pulse" should be changed to "the electromagnetic pulse".

5) Claim 11, line 6, "an electromagnetic pulse" should be changed to "the electromagnetic

pulse”.

### *Claim Rejections - 35 U.S.C. § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen (Applied Optics, Vol. 14, No. 6, June 1975).

With respect to claim 11, Cohen discloses an emitter for emitting electromagnetic pulses. The emitter comprises: a generator (fig 1a), a first, second, third optical fibers (column 2, page 1351), a cavity comprising a first and second partial reflecting mirrors (fig 1b and page 1351, column 2).

Cohen discloses changing characteristics of the pulses between the mirrors (page 1351, column 2). Cohen does not explicitly disclose adjusting the length of the second fiber and the transmission/reflection ratio. However, Cohen discloses varying the length of the second fiber several millimeters inside the holder and varying transmission and reflection coefficients (page 1352, columns 1-2). It would have been obvious that Cohen's system cable of adjusting the length of the second fiber and the transmission/reflection ratio to performing the same function as claimed.

With respect to claims 2-5, it would have been obvious to modify Cohen's mirrors with different arrangements or using different graded-index lens for different testing purposes.

With respect to claim 6, the claimed preventing the pulses from returning toward the generator would have been known. It would have been obvious to modify Cohen's system with the known preventing system to reduce the system noise.

With respect to claim 7, it would have been obvious to modify Cohen's system to generate a plurality of different wavelengths to test a device under test with different wavelengths at the same time.

With respect to claims 8-9,10, the claimed test system would have been known. It would have been obvious to modify the known test system with the emitter as claimed in claim 11 to facilitate the testing.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu T Nguyen whose telephone number is (703) 306-9185. The examiner can normally be reached on T-F 7:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank G Font can be reached on (703) 308-4881. The fax phone number for the organization

where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



**Tu T. Nguyen**  
**Primary Examiner**  
**Group Art Unit 2877**

11/17/03